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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/915,458 | 07/26/2001 | Michael Wayne Brown | AUS920010394US1 | 7019 |
| 43307 | 7590 | 04/28/2005 | EXAMINER | |
| IBM CORP (AP) C/O AMY PATTILLO P. O. BOX 161327 AUSTIN, TX 78716 | | | PHILLIPS, HASSAN A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2151 | |

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/915,458

Applicant(s)

BROWN ET AL.

Examiner

Hassan Phillips

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to remarks and amendments filed on March 1, 2005.

Specification

2. After consideration of the amendments made to the disclosure to correct minor informalities the Examiner has withdrawn the objection to the disclosure.

Response to Arguments

3. Applicant's arguments with respect to claims 1-41 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-10, 12-16, 18-21, 23, 24, 26, 27, 29, are rejected under 35 U.S.C. 103(a) as being unpatentable over Greene, U.S. Patent Pub. No. 2002/0077080, in view of Easterling et al., (hereinafter Easterling), U.S. Patent 5,428,667.

6. In considering claims 1, 8, 15, 21, 24, and 27, Greene teaches a method, system, and program for controlling distribution of device information to a plurality of users participating in a messaging session, all comprising the steps of: Receiving device information for a particular device (11, 13) utilized by a particular user participating in a messaging session, (page 2, paragraph 17, Fig. 1); wherein said device information comprises status update information and location information, (page 1, paragraph 8); filtering said device information according to authorization preferences, (page 2, paragraph 15); and distributing said filtered device information to at least one other user participating in said messaging session, such that said at least one other user is enabled to monitor said particular device utilized by said particular user during said messaging session, (page 2, paragraph 19).

Although the teachings of Greene show substantial features of the claimed invention, they fail to expressly disclose: The status update information being a power level, strength signal, or cost for a particular user at a particular device.

Nevertheless, it was well known in the art at the time of the present invention that the power level, strength signal, or cost for a particular user at a particular device was important to know for communication purposes. In a similar field of endeavor, Easterling teaches: monitoring the strength of signal, and the power level, of a particular device in order to maintain efficient communications, (col. 2, lines 47-61, and col. 10, lines 42-58).

Thus, it would have been obvious to a person of ordinary skill at the time of the present invention to modify the teachings of Green to show the status update

information comprising at least one from among a power level of the particular device, a signal strength available to the particular device, and a cost for the particular user at the particular device to participate in the messaging session. This would have provide an efficient means for maintaining communication amongst users, Easterling, col. 10, lines 42-58, Greene, page 1, paragraph 8.

7. In considering claims 2 and 9, Greene teaches receiving said device information at, and distributing said filtered device information from, a messaging server (19) communicatively connected via a network to said users, (page 2, paragraph 15, Fig. 1).

8. In considering claims 3, 10, and 16, Greene teaches receiving authorization preferences for said particular device from said particular user, (page 2, paragraph 15).

9. In considering claims 5, 12, and 18, Greene teaches filtering said device information according to user selected output preferences for said at least one other user, (page 2, paragraph 15).

10. In considering claims 6, 13, and 19, Greene teaches filtering said device information according to authorization preferences selected for said messaging session, (page 2, paragraph 15).

11. In considering claims 7, 14, and 20, although the disclosed method, system, and program of Greene shows substantial features of the claimed invention, it fails to expressly disclose: Filtering device information according to bandwidth.

Nevertheless, it was well known in the art at the time of the present invention to filter communication information according to a bandwidth of a network associated with a corresponding communication session. This is done because information is sometimes too large for certain networks, or certain devices on the network, to handle appropriately. Greene shows information being reconstructed in order for a device to render the information properly when the device receives the information from the network, (page 1, paragraph 8).

Thus, if not implicit in the teachings of Greene, it would have been obvious to one of ordinary skill in the art to modify the teachings of Greene to show filtering the device information according to a bandwidth associated with the messaging session. This would have enhanced the teachings of Greene by allowing users with different devices, or in different networks, to receive filtered information according to their capabilities, instead of receiving no information at all, Greene, page 2, paragraph 20.

12. In considering claims 23, 26, and 29, the teachings of Greene provide a means for filtering a selection of information from said device information according to user output preferences for said at least one other user, and transmitting only said selection of information for distribution to said at least one other user, (page 2, paragraph 15).

13. Claims 4, 11, 17, 22, 25, 28, 30-41, are rejected under 35 U.S.C. 103(a) as being unpatentable over Greene in view of Easterling, and further in view of Bahl et al., (hereinafter Bahl), U.S. Patent 6,839,560.

14. In considering claims 4, 11, 17, 22, 25, and 28, although the teachings of Greene show substantial features of the claimed invention, they fail to expressly disclose: Receiving device information only when the device information reaches a threshold indicating a potential disconnection by the user.

Nevertheless, it was well known in the art at the time of the present invention to use thresholds for indicating a potential disconnection by a user. In a similar field of endeavor, Bahl teaches: monitoring the strength of signal of a mobile computer only when the signal strength reaches a threshold indicating a potential disconnection by the mobile computer, (col. 5, lines 11-24).

Thus, given the teachings of Bahl, it would have been obvious to a person of ordinary skill at the time of the present invention to modify the teachings of Greene to show receiving the device information only when the device information reaches a threshold indicating a potential disconnection by the particular device from the messaging session. Doing so would have allowed for a user to optionally receive an indication that another users device information is falling below an acceptable level, only when the other users device information is falling below an acceptable level, Bahl, col. 5, lines 16-24, and Greene, page 1, paragraph 8.

15. In considering claims 30, 34, and 38, Greene teaches a method, system, and program for monitoring devices utilized within a messaging session, all comprising the steps of: Receiving device information for a particular device (11, 13) utilized by a particular user participating in a messaging session, (page 2, paragraph 17, Fig. 1); wherein said device information comprises status update information and location information, (page 1, paragraph 8); filtering said device information according to authorization preferences, (page 2, paragraph 15); and distributing said filtered device information to at least one other user participating in said messaging session, such that said at least one other user is enabled to monitor said particular device utilized by said particular user during said messaging session, (page 2, paragraph 19).

Although the teachings of Greene show substantial features of the claimed invention, they fail to expressly disclose: The status update information being a power level, strength signal, or cost for a particular user at a particular device.

Nevertheless, it was well known in the art at the time of the present invention that the power level, strength signal, or cost for a particular user at a particular device was important to know for communication purposes. In a similar field of endeavor, Easterling teaches: monitoring the strength of signal, and the power level, of a particular device in order to maintain efficient communications, (col. 2, lines 47-61, and col. 10, lines 42-58).

Thus, it would have been obvious to a person of ordinary skill at the time of the present invention to modify the teachings of Green to show the status update

information comprising at least one from among a power level of the particular device, a signal strength available to the particular device, and a cost for the particular user at the particular device to participate in the messaging session. This would have provided an efficient means for maintaining communication amongst users, Easterling, col. 10, lines 42-58, Greene, page 1, paragraph 8.

Although the modified teachings of Greene show substantial features of the claimed invention, they fail to expressly disclose: Comparing device information with at least one performance threshold by the particular user.

Nevertheless, it was well known in the art at the time of the present invention to compare device information with at least one performance threshold for a particular user. In a similar field of endeavor, Bahl teaches: monitoring the strength of signal of a mobile computer when the signal strength reaches a threshold indicating a potential disconnection by the mobile computer, (col. 5, lines 11-24).

Thus, given the teachings of Bahl, it would have been obvious to a person of ordinary skill at the time of the present invention to modify the teachings of Greene to show comparing the device information with at least one performance threshold set by the particular user. This would have allowed for a user to receive an indication that another users device information is falling below an acceptable level, Bahl, col. 5, lines 16-24, and Greene, page 1, paragraph 8.

16. In considering claims 31, 35, and 39, Greene teaches receiving said device information comprising a device type, and a location, (page 1, paragraph 8).

17. In considering claims 32, 36, and 40, Greene teaches graphically displaying said device information through said particular device according to device graphical output preferences, (page 1, paragraph 8).

18. In considering claims 33, 37, and 41, although the disclosed method, system, and program of Greene shows substantial features of the claimed invention, it fails to expressly disclose: Audibly outputting device information according to output preferences.

Nevertheless, Greene does teach: Graphically displaying said device information through said particular device according to device graphical output preferences, (page 1, paragraph 8); and, devices comprising a means for reproducing audio, (page 1, paragraph 14).

Thus, it would have been obvious to one of ordinary skill in the art, at the time of the present invention, to modify the teachings of Greene to show audibly outputting device information through the particular device according to device audible output preferences. This would have enhanced the teachings of Greene by allowing users to receive information audibly, as well as graphically, according to output preferences.

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kay et al., U.S. Patent 6,430,602, discloses a method and system for interactively responding to instant messaging requests from authorized users.

Morgan et al., U.S. Patent 6,859,828, discloses a test system for network analysis in which power levels of devices are associated with threshold levels.

Harple, Jr. et al., U.S. Patent 5,724,508, discloses a well-known means for filtering authorization preference data.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (571) 272-3940. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HP/
4/25/05


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER